IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.6230 OF 2005

The State of Maharashtra ...Applicant

Versus

Vinayak Mohan Vatkar ...Respondent

Shri S.R.Shinde, A.P.P for the Applicant.

Shri A.M.Kulkarni for the Respondent.

CORAM : A. S. OKA, J.

DATE : DECEMBER 13, 2006.

P.C.:

1. Heard the learned A.P.P for the Applicant and the Advocate for the Respondent. I have perused the impugned Judgment and Order and notes of evidence.

2. The acquittal of the Respondent is for offences under section 354 and 504 of the Indian Penal Code. The perusal of the notes of evidence shows that there was prior enmity between the complainant and the family of the accused. Infact, according to the case of the prosecution, the incident took place when the complainant was coming back from police station after visiting the police station in connection with complaint lodged by the mother-in-law of the

Respondent-accused against the brother-in-law of the complainant. Apart from the grown-up son of the complainant who was allegedly present at the time of incident, there were number of witnesses present at the spot as admittedly the alleged incident took place at a busy place on a crowded street. However, the prosecution did not examine any independent witness.

3. Considering the prior enmity and the failure of the prosecution to examine available eye-witnesses, the learned Trial Judge has disbelieved the case made out by the prosecution. The learned Trial Judge also found the evidence of the complainant inconsistent and contradictory. The view taken by the learned Trial Judge is a possible view. No case is made out for leave. Application is rejected.

JUDGE